

**ORDINANCE NO.
TC-3-17**

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ADD AN ACCESSORY
DWELLING OVERLAY OVERLAY DISTRICT (-ADOD) AND AN ACCOMPANYING
SET OF REGULATIONS FOR ACCESSORY DWELLING UNITS**

WHEREAS, the City of Raleigh has determined it appropriate to carefully manage the development of Accessory Dwelling Units to expand housing options while protecting and enhancing neighborhood character and scale.

WHEREAS, the City of Raleigh has determined it appropriate to develop an overlay district to allow development of Accessory Dwelling Units on a voluntary, neighborhood-specific basis.

WHEREAS, the City of Raleigh has determined it appropriate to allow Accessory Dwelling Units within an overlay district in order to provide additional affordable housing inventory.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 1.3.3. of the Part 10 Raleigh Unified Development Ordinance, Overlay Districts, is hereby amended by insertion of the following underlined provisions in the appropriate alphabetical order of Overlay Districts:

-ADOD Accessory Dwelling Overlay District

Section 2. Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by insertion of the following underlined provisions:

B. Lot Area

Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type. Within the Accessory Dwelling Overlay District (-ADOD), one accessory dwelling is permitted per lot, regardless of underlying density designation.

Section 3. Section 1.5.3.F.2. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by insertion of the following underlined provisions:

Although minimum lot sizes may allow additional units, density serves as the maximum number of principal units per acre. Within the Accessory Dwelling

Overlay District (-ADOD), one accessory dwelling is permitted per lot, regardless of underlying density designation.

Section 4. Section 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by insertion of the following underlined provisions in the appropriate alphabetical order:

Accessory Dwelling

A small self-contained dwelling unit that is located on the same lot as a principal dwelling but is physically separated from the principal dwelling. Accessory Dwellings typically include a living room, sleeping area, kitchen, and bathroom, and have a lockable entrance door. An Accessory Dwelling may be located above a garage.

Section 5. Section 5.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by insertion of the following underlined provisions at the end of the section as a new section “G. Accessory Dwelling Unit Overlay District (-ADOD):

G. Accessory Dwelling Unit Overlay

1. Accessory Dwelling Unit Overlay District (-ADOD)

- a. The –ADOD permits accessory dwelling units (ADUs).
- b. The permitting of Accessory Dwelling Units promotes efficient land use, improves market affordability, and responds to demand for expanded housing options.
- c. Through the regulation of minimum lot dimension requirements; maximum occupancy; and building standards, including maximum living area, building setbacks and building height, -ADOD promotes development of accessory dwelling units within a well-regulated framework.

Section 6. Amend the Part 10 Raleigh Unified Development Ordinance by inserting a new article entitled “Article 5.7. Accessory Dwelling Unit Overlay District” in the appropriate alphabetical order, by insertion of all of the following regulations:

Article 5.7 Accessory Dwelling Unit Overlay

Section 5.7.1 Accessory Dwelling Unit Overlay District (-ADOD)

A. Purpose and Objectives

The -ADOD is established to provide for the development of accessory dwelling units on properties in neighborhoods that have elected to have the overlay district applied to the underlying zoning district.

B. Base Standards Apply

Except as specifically set forth in this section, the allowed uses, the dimensional requirements, height limits and general development standards of the underlying zoning

district apply.

C. Use

A small self-contained dwelling unit that is located on the same lot as a principal dwelling but is physically separated from the principal dwelling. Accessory Dwellings typically include a living room, sleeping area, kitchen, and bathroom, and have a lockable entrance door. An Accessory Dwelling may be located above a garage. Only residential uses are permitted in Accessory Dwelling Units.

D. Locational Guidelines

Except for applications filed by the City or otherwise authorized by the City Council, Department of City Planning is instructed not to accept –ADOD applications unless the application meets all the following:

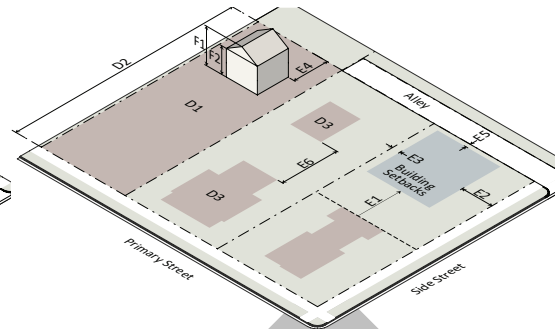
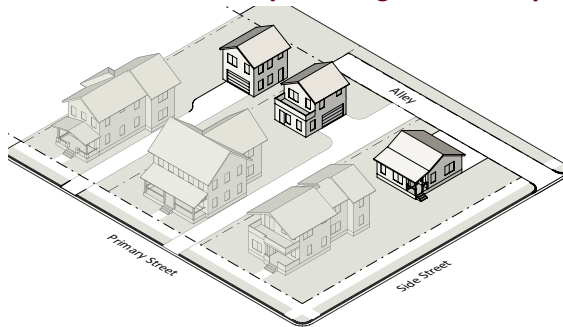
1. Is requesting that either a minimum of 15 contiguous acres be zoned –ADOD or that an existing –ADOD be extended. If allowed in the underlying zoning district, all uses in the civic use category can be excluded when determining the 15 acre requirement;
2. Is signed by a majority of the property owners within the area proposed to be rezoned –ADOD.

E. Accessory Dwelling Unit Regulations

Following the approval of an –ADOD in accordance with this section for properties located within the specifically designated neighborhoods listed below, the following development regulations for accessory dwelling units shall apply:

Section 7. Section 1.4.1A of the Part 10 Raleigh Unified Development Ordinance, Detached House, is hereby amended by insertion of the following underlined provisions:

Article 5.7 Accessory Dwelling Unit Overlay



A. Description

An Accessory Dwelling Unit (ADU) is a small self-contained dwelling unit located on the same lot as a detached house but is physically separated from the main house. Accessory Dwelling Units must be constructed in accordance with North Carolina Building Code and City of Raleigh Minimum Housing Code.

B. Districts Allowed In

R-1, R-2, R-4, R-6, R-10, RX-, OX-, NX-, CX-, DX-

C. Building Types

An Accessory Dwelling Unit is allowed on a lot associated with a detached house provided the lot is at least 4,000 square feet in size.

	LOT SIZE >40,000 sf	20,000 to 39,999 sf	10,000 to 19,999 sf	6,000 to 9,999 sf	4,000 to 5,999 sf
D. Lot Specifications					
D1 Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
D2 Dwellings units per lot (max)	2	2	2	2	2
D3 Living area (max)	No larger than 50% of the heated area of the lot's primary dwelling unit, or 800 sq. ft., whichever is less.				
D4 Occupancy (max persons)	2	2	2	2	2

E. Building Setbacks

	LOT SIZE >40,000 sf	20,000 to 39,999 sf	10,000 to 19,999 sf	6,000 to 9,999 sf	4,000 to 5,999 sf
E1 From primary street (min)	Must be located to the rear of the house				
E2 From side street (min)	15'	15'	15'	10'	10'
E3 From side lot line (min)^~	10'	5'/10'	5'/10'	5'/10'	5'/10'
E4 From rear lot line (min)^	10'	5'/10'	5'/10'	5'/10'	5'/10'
E5 From alley (min)	2' or 20'	2' or 20'	2' or 20'	2' or 20'	2' or 20'
E6 Building separation (min)	10'	10'	10'	10'	10'

F. Height

F1 Overall height (max)*	25'	25'	25'	25'	25'
F2 Wall plate height (max)	15'	15'	15'	15'	15'

G. Vehicular Access

From alley or street; or via on-street parking when no on-site parking is provided. No additional parking is required for ADUs.

H. Balconies/Patios/Decks/Porches/Stoops

H1	Prohibited on facades/rooftop areas facing streets or adjacent residential parcels
H2	Ground floor patios shall not face adjacent residential properties

*Not to exceed that of the principal dwelling.

^ 5' for single story; 10' for two stories

~ Side lot line setbacks must be greater than or equal to those of the underlying zoning district.

Detached House

A building constructed to accommodate 1 dwelling unit on a single lot. A series of detached houses as part of a cottage court may be located on a single lot. An additional detached Accessory Dwelling Unit may be located in conjunction with a primary Detached House on a single lot where the Accessory Dwelling Unit Overlay District (-ADOD) has been applied. In a Mixed Use District, a detached house may be used for nonresidential purposes.

Section 8. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 10. This text change has been reviewed by the Raleigh City Planning Commission.

Section 11. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Ordinance No.
Adopted:
Effective:

Section 12. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 13. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 14. This ordinance is effective 5 days after adoption.

ADOPTED:
EFFECTIVE:

DISTRIBUTION: Planning – Bowers, Crane, Hodge
City Attorney – McCormick, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor

Prepared by the Department of City Planning